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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/556,062

04/20/2000

Richard R. Reisman

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01/10/2011

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EXAMINER

PEYTON, TAMMARA R

ART UNIT

PAPER NUMBER

2182

MAIL DATE

DELIVERY MODE

01/10/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/556,062	Applicant(s) REISMAN, RICHARD R.	
	Examiner TAMMARA R. PEYTON	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 140, 142-151 and 176-183 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 140, 142-151 and 176-183 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/9/07, 10/21/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 140, 142-151, 176-187 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp et al., US 5,347,632, AAPA, and "Microsoft Complete Baseball," Product Brochure, Microsoft, Mar. 1, 1994, (hereafter Microsoft) cited as prior art 08/09/07.

At the outset, Applicant is reminded that claims subject to examination will be given their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997). With this in mind, the discussion will focus on how the terms and relationships between the terms in the claims are met by the references.

As per claims 140, 146-149, 151, 176-179, 181, and 182, Filepp teaches a user station with a processor that executes the programmed logic and an information transport component to enable a user at the user station (personal computer, 405, Fig. 2), via the user interface (display, keyboard, etc), to fixed information content (application program stored on the diskettes, 428,426 - application software and operating system software for initiating communication with

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an interactive network, 10, Fig.2, col. 4, lines 44-60) together with related remote information content (from interactive network, 10, Fig.2) from one or more remote information content sources, and wherein, for each of the plurality of portage storage media, the user interface is customized with respect to the fixed information content stored on the portable storage medium when the user access the fixed content stored on the storage medium.

Filepp teaches wherein a user station is provided with one or more floppy disk drives that hold an application software product that allows for the user to obtain access to an interactive network by means of a dial up connection. (col. 4, lines 60-col. 5, lines 1-68) Specifically, the software product offers the user the ability to access a service (i.e. news, industry, financial needs, hobbies, and cultural interests, etc., col. 6, lines 3-68, col. 7, lines) for use by an application program installed on the user station. Filepp specifically teaches wherein the user interface is customized with respect to the fixed content stored on the portable storage medium (application software) with respective remote content from one or more remote content sources. For example, Filepp teaches wherein the user is able to receive updated stock quotes during a particular user session. Therein, one of ordinary skill would readily recognize that the user's display screen must be refreshed regularly in order for the user to receive the ever change stock prices. (note Fig. 3, Filepp discloses the screen format and how updates related to the web page screen are obviously refreshed, col. 8, lines 64-col.22) Therefore, it would have been obvious to one of ordinary skill at the time the invention was made that the application software loaded on the user station that allows the user to initiate a connection to an interactive network is respective to remote content sources (updated stock quote data downloaded to the user station) from the remote content source.

Filepp teaches a system with two separate floppy disk drives wherein one includes an application and the other includes an operating system software that enable the user to initiate connections to the interactive network, it would have been obvious to one of ordinary skill at the time the invention was made that the dial up information/protocol/network address specification associated with the interactive network are also provided on the floppy disks. (Note Abstract and Specification, Figs. 1-11)

However, Applicant argues (Remarks pgs. 4-8) that Filepp is silent in respect to a first portable storage medium together with first related remote information content from one or more remote information content sources such that the first fixed information content and the first related remote information content are presented by the user interface as a first single collection of information content, and to second fixed information content from a second portable storage medium together with second related remote information content from one or more remote information content sources such that the second fixed information content and the second related remote information content are presented by the user interface as a second single collection of information content, wherein the first portable storage medium and the second portable storage medium are provided by different independent publishers, wherein the first single collection of information and the second single collection of information are different.

Further, the claim language above it does not necessary required access to more than one independently published portable storage medium diskette that the same time. Examiner is taking the position that only one independently published portable storage medium can be

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accessed at a given moment to eventually provide access to related remote information content from one or more remote information content sources.

Nonetheless, AAPA discloses (note: Background of the Invention)

- “Electronic publication is an exploding industry in which thousands of new products including magazines and periodicals, software applications and utilities, video games, business, legal and financial information and databases, encyclopedias and dictionaries are purchased by millions of customers. Commonly, such information products are replicated in computer-readable form on magnetic or optical storage diskettes and are box-packaged with printed manuals for distribution to retail stores and direct mail sales. These marketing practices are relatively expensive and involve a significant time lag of at least days or weeks to get a product into a consumer's hands once it is created. Such costs and delays are generally acceptable for original, high value products such as collections of publications or software application, of which some examples are NEWSWEEK® Interactive CD-ROM, or disks, which provides a searchable audio-visual library of issues of NEWSWEEK magazine and CINEMANIA® CD-ROM which provides reviews and other information on newly released films. For time-sensitive, low-value updates, for example, the latest issue of Newsweek or last week's movie reviews, distribution in stored form, on physical media, is slow and the cost may exceed the value of the information in the product....Communication between remote computers, not directly interconnected by umbilical cable or a wired network, is enabled by a wide range of hardware devices and software drivers, utilities, applications and application modules. ...General-purpose, online, modem-accessed, electronic information services, such as PRODIGY, COMPUSERVE and AMERICA ONLINE (trademarks), and some Internet services, provide wide access to timely information products from a central server, but are limited and complex. They provide no means for the integration of downloaded information with information products offered on disk or CD, and provide only rudimentary facilities for local viewing and search of downloaded files,” pgs. 1-3, lines 1-14.

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Applicant remarks that the background discussion constitutes as “admitted prior art,” however, one of ordinary skill would readily recognize that it is well known in the art to have more than one independently published portable storage media (NEWSWEEK® Interactive CD-ROM and CINEMANIA® CD-ROM; PRODIGY, COMPUSERVE and AMERICA ONLINE) are stored on portable storage media such as diskette or CD that was mailed to a user to be obviously installed on a user station. Specifically, one of ordinary skill would readily recognize that it is well known in the art the internet service providers PRODIGY, COMPUSERVE and AMERICA ONLINE, are independent publishers of information that include application programs and transport tasks that would be stored on a diskette or CD that via user intervention is obviously installed on a user station. Wherein, each internet service providers PRODIGY, COMPUSERVE and AMERICA ONLINE each includes a type of transport component with each including a plurality of different collection of information. Therein, AAPA/background of the invention discloses it was a well known concept in the art to have at least two separate diskettes or CDs from independent publishers and further having different collection of information could be installed on a user station.

It would have been obvious to one of ordinary skill at the time the invention was made that implement into Filepp’s system that includes diskettes (426, 428) that provide access to related remote information content from one or more remote information content sources with AAPA/background of the invention disclosure of a plurality of independently published portable storage medium each storing a separate interface service provider wherein each includes a

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different information/application program and obviously predefined transport tasks thereby providing a user access to related remote information content because doing so would add and expand the flexibility of Filepp's system without departing from the inventive concept of Filepp.

Examiner believes Filepp in view of AAPA/background of the invention teaches the user access to news, industry, financial needs, hobbies, and cultural interests, etc. by the plurality of internet service providers stored on independently published portable storage medium.

However, Filepp in view of AAPA/background of the invention does not expressly teach wherein the CDs from independent publishers provide a means for integration of downloaded related information and specifically wherein predefined transport tasks (fetch process) are stored on the CDs. Microsoft disclosed a CD with a fixed information content that implements a fetch process that will link the CD with a means to download related information. Specifically, Microsoft disclosed wherein the fetch process will link the CD with an online service and integrates updated related information and furthermore presents to a user interface a single collection of information content.

Filepp, AAPA, and Microsoft are analogous art because they all relate to increasing the functionality of connected computing and input devices via remote computing systems.

It would have been obvious to one of ordinary skill at the time the invention was made that implement into Filepp's system that teaches utilizing portable storage medium in order to access related remote information content from one or more remote information content sources with AAPA/background of the invention that disclosed the use of a plurality of independently published portable storage medium on a user station, wherein each independently published portable storage medium may have a separate interface service provider and obviously

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predefined transport tasks with Microsoft because doing so would provide a user access to related remote information content based on a fixed information content and thereby enhancing the flexibility of the on-line experience of Filepp-AAPA's system without departing from the inventive concept of Filepp-AAPA.

As per claims 142-145, 150, 180, and 183-187, Filepp teaches wherein the user station connects to an interactive network 10, however, Filepp specifically teaches wherein "multiple servers, gateways and information layers.." could be included "in the event even larger numbers of users were sought to be served," col. 4, lines 19-43) In other words, Filepp's system is not limited to interaction with one remote source but could be connected to multiple servers for interaction with a host of other services. Further, internet service providers PRODIGY, COMPU SERVE and AMERICA ONLINE, also provide the user with a first or second look or feel from one or more remote information content. Finally, Microsoft would obviously teach wherein also provide the user with a first or second look or feel from one or more remote information content. Therein, it would have been obvious to one of ordinary skill at the time the invention was made that Filepp or AAPA/background of the invention or Microsoft teaches another embodiment that does not limit the user station to interaction with just one remote source but with a system that could includes shared servers, gateways, etc. that would come from different remote sources. Further, it would have been obvious to one of ordinary skill in the art at the time of invention that because the software product takes the object-oriented approach, this ensures that user interface with be customized with the respective remote source content.

Conclusion

The examiner requests, in response to this office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application. When responding to this office action, applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R.I .III(c).

In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view the state of the art disclosed by the references cited or the objections made. The applicant or

patent owner must also show how the amendments avoid such references or objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

/Tammara R Peyton/

Primary Examiner, Art Unit 2182

January 5, 2011